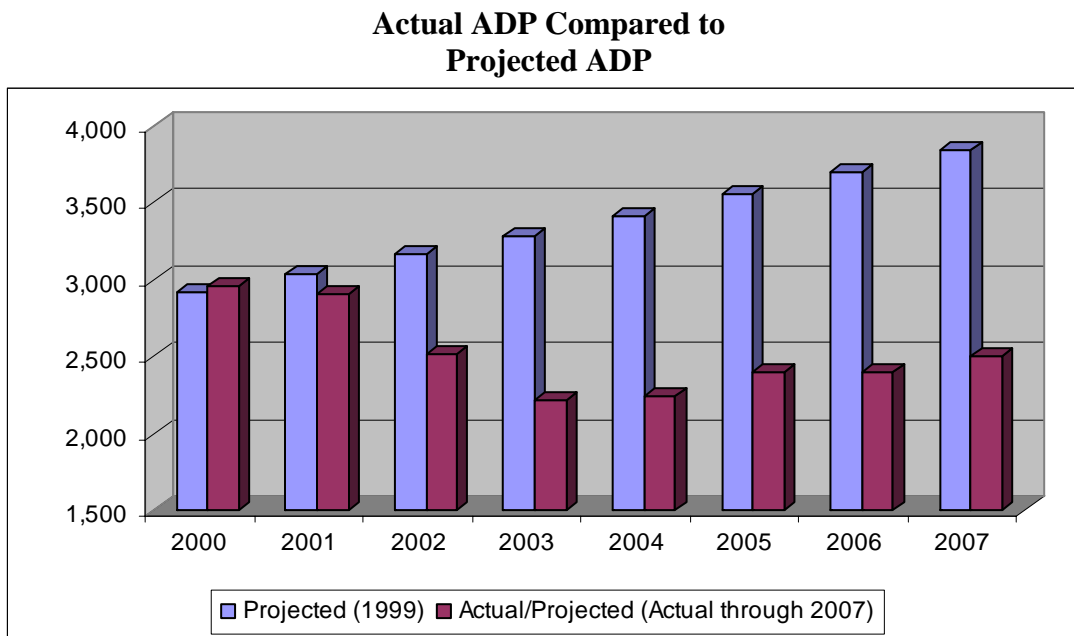




STAFF REPORT

The council adopted as county policy that secure detention would only be used for public safety reasons and that the county develop alternatives to secure detention, provide treatment resources, and improve system efficiency. The council assured that resources were available for the new Community Corrections Division and new treatment programs in the Department of Community and Human Services. In addition, the Criminal Justice Council worked, as a system, to improve

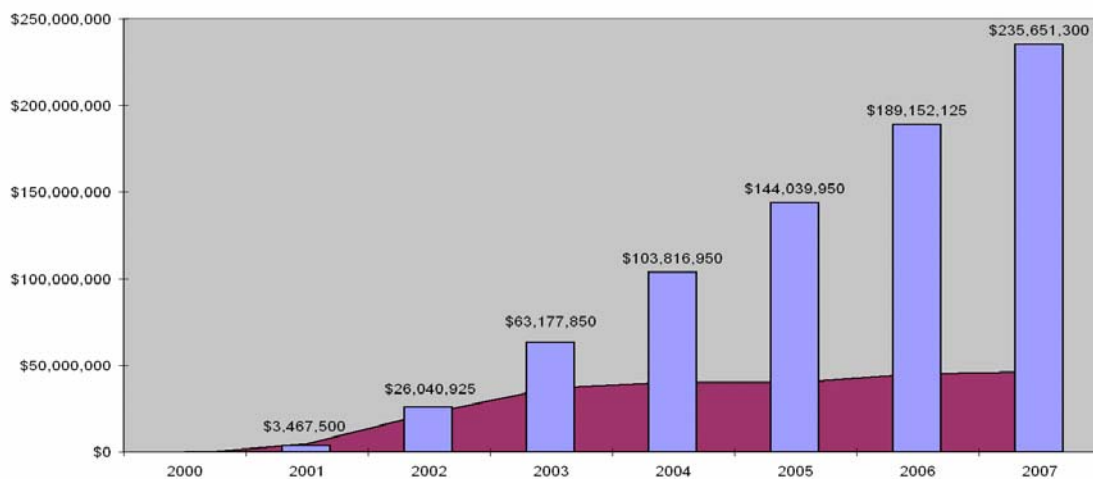
case processing in both the Superior and District Courts. These improvements were aided by system improvement implemented by the prosecutor. The cumulative impact of these changes resulted in significant changes in the county's use of jail. The following chart compares actual ADP to the 1999 (pre-policy change) projections:



Based on the difference between the projected numbers and the actual number of county inmates, the county has saved millions of dollars. The following table shows the operating costs avoided (based on the average daily cost of \$95):

Costs Avoided Due to ADP Reductions

These are estimates based on a full cost per inmate, yet these do not include the tens of millions of dollars that would have been needed to build new jail capacity.



For 2008, the department is predicting an ADP for adult secure detention of 2,584, a 3.2 percent increase. The growth is due primarily to population increases in city misdemeanants. The department intends to allow cities to keep more misdemeanants in county facilities.

As part of continuing King County's criminal justice improvements, the King County Integrated Regional Jail Initiative seeks to identify and explore opportunities to form a regional partnership to create a seamless, efficient, and cost-effective system for booking, housing, transporting, and managing inmates. An integrated regional system will improve public safety, help to contain jail costs, and has the potential to foster additional improvements in the larger criminal justice system.

Jail Contracts. Based on early 1999 projected jail population projections and general fund budget constraints, King County determined that *all* existing county detention capacity would be needed for county inmates, resulting in the need to build a third county jail facility or that the county would have to reduce its overall jail utilization. The county is required to house felons and "county" misdemeanants, but not city misdemeanants or state "holds" (those under state supervision, who are in violation of community supervision orders). The county has always charged cities to house their inmates.

Historically, a majority of cities in King County have contracted with the county to provide jail beds for city misdemeanants. To reduce overall jail populations, the Executive negotiated a new contract between King County and cities that established an aggressive schedule to reduce city misdemeanor population and to remove those inmates from county jails entirely by 2012. From 2005 through 2012, cities have a contractual cap of 220 beds, though the county has been providing cities up to 330 beds and will continue to provide this number of beds so long as space is available.

According to information from the cities, to replace the beds cities would be losing at King County, cities entered into a contract with Yakima County for 440 beds. This agreement expires at the end of 2010. In total, there are roughly 1,000 jail beds available for city misdemeanants through various contracts and municipal jails. Besides King County and Yakima, jail services are provided at Issaquah (62 beds), Renton (50 beds), Auburn (51 beds), Kirkland (12 beds) and other contract beds outside of King County (55 beds). It is important to note that defendants with serious medical or psychological issues or behavioral problems will not be accepted at Yakima or at the municipal jails and must be detained at King County facilities. While city misdemeanor populations account for less than 12 percent of the jail's population, they use up to 30 percent of the county's mental health and clinical health programs. In addition, Yakima and municipal jails have limited bed space available for female defendants who must be detained at King County if space is not available at the other jails.

The 2002 agreement also provided for the surplusing of county property and the conveyance of this property to the cities. The agreement allowed for the trade or sale of the property by the cities and use of the proceeds to acquire, build or otherwise arrange for the use of a jail or jails for city misdemeanants. (In the event that the cities have not made arrangements for alternative jail space and have not removed all of their prisoners from the County facilities by the end of 2012, the City of Bellevue would have to transfer the property back to the County or reimburse the County for the value of the property if they no longer own it.)

Contract Status. As permitted in the Interlocal Agreement with King County for Jail Services, King County requested a contract "re-opener" in 2007 for a discussion on rates. Under the existing agreement, the county and cities can review the provisions of the interlocal agreement and make changes to the terms and conditions, however, any changes must be mutually agreed to

by the county and cities. Negotiations between the county and cities took place from September 2007 through March 2008, but did not result in any proposed changes to the contract.

The Law, Justice, and Human Services Committee was briefed in April 2008 about the impetus for the re-opening of the contract. According executive staff, King County had conducted a comprehensive review of the costs of providing jail services and had developed a cost model for services—especially identifying the costs associated with “special needs” inmates in the jail clinic, mental health unit, or being guarded while receiving medical services at the Harborview Medical Center. The county wished to increase their rates to fully cover their costs of providing jail services, including those for special needs inmates. The current agreement has a daily maintenance rate and a booking fee, and the county requested replacement of the single daily rate with specialized rates for medial, psychiatric, acute psychiatric and one-on-one guarding at Harborview, in addition to the daily maintenance rate.

Cities were interested in extending the agreement by two years to the end of 2014, with a 330 bed cap for the duration of the agreement. King County conducted a secure detention population forecast, which seems to indicate that the county will not have beds available for city use beyond 2012—although the projection assumes keeping state inmates. Due to this projected county bed need, the county was not able to address the cities’ needs and extend the jail services agreement. The cities and county agreed to suspend discussions, leaving open the possibility for further discussions if opportunities arise that allow the county to address the cities’ needs. Additionally, the Interlocal Agreement provides for another re-opener in 2009 that can be initiated by either party.

County Jail Reviews. King County has been evaluating the overall impact of recent policy changes on jail population projections. While the county knew that secure detention populations had been reduced, we had not thoroughly examined long term needs and costs by studying how the system has changed and what future holds. In addition, while looking at the region as a whole the county’s role could also change.

In late 2005 and through 2007, the department received funding to meet future county planning requirements and to work with cities to improve regional coordination. The planning effort will be used for future county planning purposes regardless of contracting or city consultant requests, and to inform future budgetary and policy decisions. The funding has been allocated to:

1. King County Jail Population Forecast - The forecast modeled felony and King County responsible misdemeanor populations separately from contracted population segments, e.g. city inmates, State Department of Corrections inmates, etc. The population forecast ***does not*** assume any impact from community corrections expansion or the implementation of Mental Health and Chemical Dependency sales tax programs to reduce the use of secure detention.
2. Capacity Analysis - This analysis compares projected jail population to current available capacity to determine surpluses/deficits and provide data on capacity for contract populations.
3. Cost Model Analysis - The analysis provides a detailed cost model for secure detention, community corrections, and jail health costs. The model and cost outcomes should be tied to

varying population levels. This model would be needed to analyze the cost benefit associated with alternatives to incarceration.

4. Secure Detention and Alternatives to Incarceration Evaluation Needs - This analysis will focus on both secure and community corrections space needs. It will review existing facilities and identify expansion and/or reconfiguration options to expand available bed space, including bed space for Work Release, and site space for other community corrections programs. The capital and operational costs are to be included.
5. Evaluate City Analysis - This analysis uses the results of the jail population projections, and the capacity and facility analyses to identify capacity options for contract populations either with existing or expanded capacities. This will include considerations such as minimum baseline commitments, our ability to expand capacity for special housing segments, like the mentally ill and medical population. A cost analysis of the options is to be included.

The county has completed its population projections and is finalizing its analyses of capacity and costs. The executive informs us that it will continue to review the work of the cities.

Proposed Ordinance. This proposed Ordinance contains three primary provisions. The first requests that the executive re-open negotiations to extend the current agreement with the cities through 2014 at current levels. It assumes that the negotiations would include recovering the costs of special needs inmates in addition to the daily maintenance costs of inmates in general population. The second provision acknowledges that the county has as the principal regional county responsibility and that public safety is best served through the integration of criminal justice services as exemplified in the adult justice and other operational master planning policies adopted by the council. As a consequence, the council is seeking further negotiations between the county and the cities with the intent that the county continue to be the primary provider of secure detention and community corrections programs. Finally, the Ordinance requests that the executive also negotiate with both the state and the cities to develop a capital plan for the expansion of both secure and community corrections programs.

ATTENDEES:

1. Hon. Kimberly Allen, Councilmember, City of Redmond
2. Hon. Bob Sternoff, Councilmember, City of Kirkland
3. Catherine Cornwall, Senior Policy Analyst, City of Seattle
4. Tim Ceis, Deputy Mayor, City of Seattle
5. Diane Carlson, Director Intergovernmental Relations, City of Bellevue
6. Penny Bartley, Jail Manager, City of Renton

ATTACHMENTS:

1. Proposed ORDINANCE 2008-0322